

ORIGINAL FILED VIA ECF

## **EXHIBIT 2**

111208lambousis-cp

1                   UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF NEW YORK

3     CHARLES SEWARD,  
4     Individually and on Behalf        }  
5     of All Others Similarly        }  
6     Situated,                          }  
7    }  
8    }  
9    }  
10                                        } Plaintiff,  
11    }  
12    }  
13    }  
14    }  
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18    }  
19    }  
20    }  
21    }  
22    }  
23    }  
24    }  
25    }

  ) 08 CIV 3976 (KMK)

  ) ECF CASE

  }  
  }  
INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
D/B/A IBM CORP.,

  )  
  }  
Defendant.

  }

11

12                   Deposition of GEORGE LAMBOUSIS, JR., taken on  
13                   behalf of the Plaintiff, pursuant to the  
14                   stipulations contained herein, in accordance with  
15                   the Federal Rules of Civil Procedure, before Charna  
16                   S. Perloe, Certified Court Reporter, at 1420  
17                   Peachtree Street, NE, Atlanta, Georgia, on the 12th  
18                   day of November, 2008, commencing at the hour of  
19                   9:04 a.m.

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\* \* \*

D'AMICO GERSHWIN, INC.  
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Roswell, Georgia 30075  
(770) 645-6111

2

1                   INDEX TO EXAMINATIONS

2

Page

Page 1

111208lambousis-cp

3	Examination by Mr. Walton	4
4	Examination by Mr. Ray	82
5	Examination by Mr. Walton	84

6

7

8

9 INDEX TO EXHIBITS

10	Plaintiff's 11 Exhibit Number	Description	Marked/First Identified
12	1	Team Profile, Load Latch Company	6
13	2	Hand-drawn diagram	34
14	3	Comparison Report	46
15	4	E-mail from George Lambousis, 16 Subject: Reminder	62
17	5	Legal Backdrop: Compensable Time	70
18	6	"Off-the-Clock" work	70
19	7	Manager's Team Room document, Re: Backlog, from Juanlyn Williams	72

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4

1               GEORGE LAMBOUSIS, JR.,  
2     being first duly sworn, was examined and testified as  
3     follows:

4               EXAMINATION

5     BY MR. WALTON:

6       Q     Good morning. Could you please state your  
7     name for the record?

8       A     George Lambousis, Jr.

Page 3

111208\ambousis-cp

9 Q Can you spell your last name for us?

10 A L-A-M-B-O-U-S-I-S.

11 Q Have you ever had your deposition taken  
12 before?

13 A No.

14 Q Well, basically, it's going to be as though  
15 you were in a court of law. Everything you say today  
16 should be the truth, the whole truth and nothing but  
17 the truth. If you don't understand anything I ask you,  
18 please feel free to tell me to rephrase it. I'll try  
19 to get you to understand, help you understand my  
20 question.

21 Is there any reason why you can't give honest  
22 and truthful testimony today?

23 A No.

24 Q You're not on any medications or anything that  
25 would --

□

5

1 A No.

2 Q If you ever need to take a break or anything,  
3 let me know. I'm happy to do it. This shouldn't take  
4 but maybe four hours this morning. We'll get you on  
5 your way. Is that all right?

6 A Sure.

7 Q Other than having discussions with your  
8 Lawyer, what did you do to prepare for today's  
9 deposition?

10 A Nothing, really.

11 Q Didn't review any documents?

111208lambousis-cp

12           MR. RAY: Let me interject, to the  
13       extent he reviewed documents to refresh, he  
14       can certainly answer that, otherwise I'll  
15       object.

16           MR. WALTON: Absolutely.

17 BY MR. WALTON:

18 Q       I'm not trying to inquire as to what you two  
19 may have done.

20 A       No.

21 Q       What is your work history?

22 A       I've been with IBM for just over 35 years,  
23 started in May of 1973.

24 Q       And what is Load Latch Company?

25 A       Load Latch Company is a company that --

□

6

1 limited liability corporation. It belongs to my son  
2 and daughter.

3 Q       And do you serve as an operations consultant  
4 with it?

5 A       In a sense.

6 Q       I'm going to have the court reporter mark this  
7 document as the first exhibit for your deposition  
8 today.

9           (Plaintiff's Exhibit No. 1 was marked.)

10          MR. WALTON: We'll get copies  
11       afterwards.

12 BY MR. WALTON:

13 Q       Take a look at the second page, if you will.

14 MR. RAY: Second page?  
                 Page 5

111208lambousis-cp

15 MR. WALTON: Yeah.

16 BY MR. WALTON:

17 Q I'll represent to you that I printed this off  
18 of the Load Latch Web site. Does that look familiar,  
19 the description?

20 A Sure.

21 Q And does it accurately describe who you are?

22 A Yes. It is two years old, give or take, but  
23 at the time, yes.

24 Q But at the time, yes. Okay. So what is your  
25 official title right now with IBM?

□

7

1 A I am the server brand manager.

2 Q And how long have you been the server brand  
3 manager?

4 A For nine, nine-plus years, I believe.

5 Q And before you were the server brand manager,  
6 what was your position?

7 A I was the team leader of that team for a short  
8 period of time.

9 Q How long did you hold the team lead position?

10 A Six, eight months, I think.

11 Q Before team lead?

12 A I had a staffing operations position. I was  
13 an ISO 9000 quality auditor when our division of IBM  
14 was participating in that.

15 Q How long did that position last?

16 A I think a couple, three years, maybe.

17 Q Two, three years. And then prior to the  
Page 6

111208lambousis-cp

18 quality auditor?

19 A Prior to that staff position, I was a phone  
20 rep, technical support rep.

21 Q And how long were you a phone rep, technical  
22 support representative?

23 A It was around four years, close to four years.

24 Q That's about, if I'm doing my math correctly,  
25 that's about halfway through your IBM work experience?

□

8

1 A Pretty much, yeah.

2 Q Before you were the phone rep, technical  
3 support rep, what was your position with IBM?

4 A Next one back from there, I was a traveling  
5 tech support specialist.

6 Q And the next one back?

7 A I was a new hire as a IBM CE. We were called  
8 CE's in the day, customer engineer.

9 Q Is it very different from tech support?

10 A No, not really. It's just face to face versus  
11 phone.

12 Q Okay. Phone rep, traveling tech, and then the  
13 new hire CE, was that all on the technical support  
14 side?

15 A Yes.

16 Q Let's go back to your current position, server  
17 brand manager?

18 A That's correct.

19 Q What are the job duties and responsibilities  
20 of the server brand manager?

111208\ambousis-cp

21 A I have a strategy and execution role for this  
22 team.

23 Q Strategy and execution role in what respect?

24 A I manage and set the processes that drive the  
25 way we perform our work for our clients.

□

9

1 Q Maybe it will help me understand. As to your  
2 team, and specifically what work do you perform for  
3 your clients that you're strategizing about?

4 A We're a remote technical support center for  
5 North America for the product set called System X. If  
6 a client has a problem with an IBM product, they would  
7 call and talk to my team.

8 Q System X?

9 A System X.

10 Q Does IBM have additional systems where they  
11 would be calling someplace else if they needed support?

12 A Yes.

13 Q Is there just one product at System X or are  
14 there multiple products within the system?

15 A There are multiple machines within that  
16 platform, yes.

17 Q Okay. Can you identify, say, five for me  
18 that --

19 A One that's kind of popular today that you  
20 might recognize would be the IBM Blade Center, for  
21 instance.

22 Q Is that the Blade servers?

23 A Yes.

111208lambousis-cp

24 Q Anything else that I might recognize today?  
25 A Cluster, clustering the support, and then

□

10

1 there's 200-plus different machine types that make up  
2 System X. So I don't -- I don't believe you would  
3 recognize them by four-digit machine types.

4 Q You're right. I probably would not. How many  
5 members do you have on your team or what is your team?

6 A My team is System X support.

7 Q And is it everyone?

8 A It's everyone on System X support.

9 Q How many people is that?

10 A It's around 160.

11 Q And is there within that 160-member team, is  
12 there a group of team members that you consider like  
13 senior or more management?

14 A I have a team that directly report to me of  
15 team leads.

16 Q Okay. How many are on that team?

17 A There's ten.

18 Q And you call them team leads?

19 A Yes.

20 Q And who are those ten?

21 A By name?

22 Q Yeah.

23 A Let me start off logically: Sebastian Savage,  
24 Fred Nutter, Charles Coleman, Jack Cam, Kevin Boren,  
25 Dan Smith, Dominique Sarno, Dan Smetana, and Damon Key.

111208lambousis-cp

□

11

1 Is that ten?

2 Q Nine, ten. I got them all.

3 A Brenda Strickland. Sorry. She doesn't have a  
4 team.

5 Q Then I take it each one of these individuals,  
6 they have additional individuals under them?

7 A They have -- some do have responsibility to  
8 teams on the floor, yes.

9 Q Some, I take it then, not all of them?

10 A That's true.

11 Q Which ones do not have responsibility?

12 A Brenda Strickland. That's why I missed her.  
13 Her responsibility is directly to me with the schedule.

14 Q But everybody else, I take it, has a group of  
15 individuals on the floor?

16 A That's correct.

17 Q Just so I'm clear, when you say "on the floor"  
18 or if I say "on the floor" today, are we talking about  
19 the Riveredge Atlanta call center?

20 A For the most part. I do have a small group of  
21 people in Raleigh, North Carolina.

22 Q And which of these members is the team lead  
23 for Raleigh?

24 A Dan Smith.

25 Q Who do you report to?

□

12

111208lambousis-cp  
1 A Vicki Reidy.  
2 Q And who is Vicki?  
3 A She is the Smart Center executive, is her  
4 title.  
5 Q And what is the Smart Center?  
6 A It's another name for System X technical  
7 support.  
8 Q And who does Vicki report to?  
9 A Charles oh.  
10 Q Can you spell Charles' last name?  
11 A O-H.  
12 Q Do you know Charles' title?  
13 A I'm not really -- not sure.  
14 Q Do you know who Charles reports to?  
15 A Hallie Myers.  
16 Q And then do you know Hallie's title?  
17 A I believe she's vice-president of technical  
18 support, something close to that.  
19 Q And where is Hallie located?  
20 A I believe her office is in Raleigh.  
21 Q In some of the documents, I've come across the  
22 name Melanie Curtis.  
23 A I don't recognize Melanie Curtis.  
24 Q Now, with your team and, I guess, especially  
25 the team leads, what kinds of things do you guys, on a

□

13

1 monthly basis, what kinds of things would you sit down  
2 and, say, manager strategize about? If it makes it  
3 easier for you, why don't we look at like the last

4 month.

111208lambousis-cp

5 A We have a set of business objectives that are  
6 our primary responsibility, and that would be what we  
7 would talk about.

8 Q Okay. And what are those business objectives  
9 that are your primary responsibility?

10 A There's several, but the first and foremost  
11 would be client satisfaction, answer speed, ASA, which  
12 is answer speed to our live clients.

13 Q Is that in reference to like telephonic  
14 customer support?

15 A Yes. Do you want me to go down a list?

16 Q Yeah. Why don't we go down a list.

17 A We have, for electronically placed call  
18 clients, we have a metric called CC Within An Hour,  
19 Call Back Within An Hour. We have a technical metric  
20 called Solve Rate, which is basically the number of  
21 times we're able to resolve the client's problem on the  
22 telephone.

23 Along with that metric is one called First  
24 Time Fix, where we measure the percent of time that our  
25 action plan given to the client to solve their problem

□

14

1 was, in fact, correct. We have -- there's several  
2 more.

3 Q Okay. You've listed a few of these metrics  
4 that, I take it, do you measure them and keep track of  
5 them?

6 A Yes. I have the data provided to me; let me

7 put it to you that way.  
111208\ambousis-cp

8 Q The data is provided to you, and you see it in  
9 forms of reports?

10 A Yes.

11 Q What kinds of reports?

12 A Reports that present me the data that I just  
13 described to you.

14 Q Yeah. Are there specific names to certain  
15 reports?

16 A There are names, but I don't -- there are  
17 names -- well, one would be Customer Satisfaction or  
18 NSI. They're kind of self-explanatory.

19 Q Okay. Is your team structured in the same way  
20 that I'm learning other groups within the call center  
21 are structured? And by that I mean, you have team  
22 leads. Is there a first line and a second line, if I'm  
23 saying that correctly?

24 MR. RAY: Is the question whether they  
25 have first lines and second lines or is his

□

15

1 team structured like other teams?

2 MR. WALTON: It's compound. Thanks.

3 I'm just trying to get an understanding.

4 BY MR. WALTON:

5 Q Within your teams, do you have first-line  
6 managers?

7 A Yes.

8 Q Do you have second-line managers?

9 A Well, I told you Vicki's title. Under the old

10 nomenclature within IBM, I don't know whether she would  
11 be two or three.

12 Q Now, help me --

13 A Her title is Smart Center executive.

14 Q The first reports to the second or is it the  
15 other way?

16 A The first reports to the Smart Center  
17 executive.

18 Q So if Vicki were the second, they would be  
19 reporting to her as first line?

20 A Yes. I do report to her, as I said.

21 Q Okay. Just so I'm clear, if Vicki gives you  
22 an order, you're supposed to follow it?

23 A That's correct.

24 Q And if you give any of your team members an  
25 order, they're expected to follow it?

□

16

1 A That's correct.

2 Q And where is your office located?

3 A 1500 Riveredge Parkway.

4 Q Within Building 1500, where?

5 A Ninth floor.

6 Q Are all the floors at Building 1500 IBM  
7 floors?

8 A I don't believe they are anymore, no.

9 Q Do you know which floors are IBM?

10 A I know a few. I know for sure mine is.

11 Q Okay.

12 A I know the fourth floor is, because I've

13       111208lambousis-cp  
13       worked there before. The seventh floor, I have a  
14       classroom for my team on that floor, and I believe  
15       that's all IBM real estate on that floor.

16           Q     And the fifth floor, you don't know?

17           A     Fifth floor, I believe, is still all IBM.

18           Q     And how about the third?

19           A     The third floor is our POS support center, so  
20       yes.

21           Q     When you say "POS support," what's that?

22           A     It's a retail, retail clients.

23           Q     Now, are you a salaried employee?

24           A     I am.

25           Q     By that, do you understand what I mean when I

□

17

1       say an "exempt salaried employee"?

2           A     I do.

3           Q     Do you know how many members of your team --  
4       and by that I mean all 160 -- are also exempt salaried  
5       employees?

6           A     Well, eight of my ten team leads are exempt.  
7       I know we have a few on our Level 2 technical support  
8       team that are exempt. Beyond that, I'd have to refer  
9       back to the managers and refresh my memory.

10          Q     But are most of the 160 members nonexempt,  
11       hourly paid employees?

12          A     Yes.

13          Q     Is there a specific set of policies that IBM  
14       has that you're expected to follow in managing your  
15       team?

16 A 111208lambousis-cp  
I'd have to say no to that. There are  
17 certainly some HR policies, if you will. There's no  
18 policies to drive a manager to do step A, step B, step  
19 C.

20 Q Okay. Other than -- if I'm understanding  
21 then, the HR policies would be something that IBM would  
22 expect you to follow?

23 A Yes.

24 Q Other than that, your team, your creative  
25 energies, your education, your backgrounds, you're

□

18

1 supposed to as a team manage that and do that sort of  
2 on yourself, I mean, under your own like guidance and  
3 direction?

4 A With my immediate managers' understanding and  
5 blessing, sure.

6 Q Yeah. You have more freedom, discretion, if  
7 you will, to go out and, say, do your job, do what your  
8 team is hired to do, right, on that side?

9 A Yes.

10 Q Now, with respect to these HR policies, are  
11 they written down anywhere?

12 A All of our HR data is available online.

13 Q Is that available to all employees?

14 A Sure.

15 Q So if you wanted to reference any policy,  
16 human resource policy of IBM's, you would just go  
17 online and look at it?

18 A I would.

19           Q     How are any policy changes then communicated  
20     to you? By that I mean HR policies. Let's just stay  
21     focused there.

22           A     Well, clearly, there would be an  
23     announcement -- there would be a general announcement  
24     to manager teams if there was any major change to any  
25     one policy, but, secondly, the online document is the

□

19

1     most current.

2           Q     When was the last general announcement of a  
3     change that you recall?

4           A     I don't really have a clear recollection of a  
5     major change.

6           Q     So you don't recall when in the last five  
7     years?

8           A     Possibly in the last five years.

9           Q     How about in the last year?

10          A     I don't recall anything in the last year.

11          Q     Last three years?

12          A     I'll stay with my five-year answer. If I knew  
13     one, I would tell you.

14          Q     I understand. I was just -- as lawyers, we  
15     like to be particular sometimes.

16          A     I rely on the online document if I have a need  
17     to reference anything.

18          Q     Just out of curiosity, what is the last  
19     general announcement you recall of any change in HR  
20     policy? If you don't recall, that's fine, too.

21          A     I believe the last one I recall would be a

111208\ambousis-cp  
22 change in our vacation policy, how it's accrued, et  
23 cetera.

24 Q I'm going to switch gears and go back to  
25 having you describe what your responsibilities were

□

20

1 when you were a team lead, do you remember, where you  
2 were a team lead for six to eight months.

3 A Team lead role is a supervisory role between  
4 the employee and the management. It's an advice and  
5 counsel type of position.

6 Q So what would you do in that role?

7 A A for instance would be a difficult client on  
8 the phone with a rep that needed help to control the  
9 situation, is a major role for a team lead. A question  
10 maybe about how to handle a customer's situation would  
11 be a role for a team lead.

12 Q Now, for your call center and your tech  
13 employees, many of their situations are handled via --  
14 I don't know if you call it a script, a preset Q and A:  
15 If the client on the phone says this, the document  
16 tells, you know --

17 A No. That's not true in our case.

18 Q That's not true in your case?

19 A No. We don't work on a script level.

20 Q Okay. How do you guys --

21 A we have professional technically trained  
22 people that work every problem as a unique problem.

23 Q There isn't a script on this is how to answer  
24 the phone?

25 A 111208lambousis-cp  
We have a script that says thank you for

21

1 calling IBM, my name is, yes. To that extent, we have  
2 a script.

3 Q But after you get beyond or into a particular  
4 problem -- or when does the script stop?

5 A when it's appropriate to stop. Truly, our  
6 script is our -- the way we answer the phone and the  
7 way we close a call. Within the rest of that  
8 conversation, it's freelance. All problems are  
9 different, and so we don't -- we can't script it  
10 because you couldn't.

11 Q Okay. At what point does your team or member  
12 of your team become the recipient of the telephone call  
13 for a problem?

14 A In the case of System X, a client calls  
15 1-800-IBM-SERV, and if they put their four-digit,  
16 machine type in the VRU correctly, they come directly  
17 to my team, which is different from other support  
18 centers.

19 Q Yeah. It's different from almost any other  
20 system, right?

21 A Yes.

22 Q Do most members of your team have significant  
23 experience within IBM and System X before they can get  
24 hired on?

25 A I have all ranges of seniority on that team,

22

111208lambousis-cp

1 quite frankly. I have people brand new within the last  
2 90 days all the way up through people with as much time  
3 as myself.

4 Q So you can literally get onto your team as an  
5 entry level?

6 A I have contractors on my team. Therefore,  
7 yes, the answer is yes.

8 Q As a team lead -- and you described sort of  
9 the liaison between the employee and management -- do  
10 you have some HR responsibilities there, too, as a team  
11 lead?

12 A No.

13 Q It's specifically the client assistance side?

14 A Technical guidance, process guidance,  
15 adherence to our processes, those kinds of things.

16 Q Now, the problems each client may have within  
17 System X -- correct me if I'm wrong -- you described  
18 them as unique, but can they be clustered together and  
19 you have kind of common themes or problems that emerge?

20 A Yeah, we have -- we certainly have common  
21 types of failures within certain product sets, yes, and  
22 we have databases to search in.

23 Q And those databases, are those the tools?

24 A That would be some of the tools.

25 Q Some of the tools. As you see common problems

□

23

1 develop, do you inform all the team members, A, here's  
2 a common problem, B, here's how we recommend you

111208lambousis-cp

3 address it?

4 A In some cases, my team may do that. In other  
5 cases, the brand would do that, the brand being System  
6 X. The engineers and developers that develop the  
7 product and support the product are really responsible  
8 to document that data.

9 Q But if they haven't documented --

10 A Surely, we come across things ourselves that  
11 we document on our own Web pages to get the word out to  
12 everybody, make it available. We don't want to  
13 reinvent a wheel if we don't have to.

14 Q Right. Nobody wants to reinvent a wheel.

15 Now, you talked about, was it procedural --  
16 procedures, adherence to procedures?

17 A Yes. As a team lead responsibility?

18 Q Yes.

19 A Yes.

20 Q What procedures?

21 A There are many. I'd be willing to give you an  
22 example or two, if that's what you're looking for.

23 Q Why don't you give me at least three examples.

24 A One very important one would be a previous  
25 case search. The first thing we would do with that

□

24

1 client call would be to look and make sure we haven't  
2 had a problem on that machine in the recent past.  
3 That's paramount. So that would be one.

4 Another process is -- that's very important to  
5 the business is parts launch and CRU. It's a very  
Page 21

111208lambousis-cp

6 sophisticated system of moving parts from where they  
7 are in IBM to the client to resolve problems. The  
8 process has to be followed correctly in order to meet  
9 the needs of the client. Those would be two major  
10 ones.

11 Q And for that, is it your own team or your own  
12 group that has these procedures you've developed for  
13 it, or is it for each -- I mean, is it your own group  
14 that's developed these procedures?

15 A Many of the procedures were developed  
16 specifically for System X and the Smart Center.

17 Q And when you say "were developed," did you  
18 develop them or were they developed by IBM in general,  
19 then passed down to you?

20 A The ones that's specific for System X, I would  
21 say I probably had most of the influence to those.

22 Q I've noticed in many, many of these  
23 documents -- I'm going to shift gears a little bit  
24 here -- I've come across acronyms, names and things I  
25 don't quite understand.

□

25

1 A We're a company of acronyms.

2 Q This is not a test or anything. I'm just  
3 going to have you help me understand things, and if I  
4 give you an acronym, if you can --

5 A If I know it, I'll tell you.

6 Q That's perfect. IMBPD?

7 A I don't know what that stands for, but I do  
8 think it's a division within IBM.

111208lambousis-cp

9 Q Are you within that division, do you know,  
10 your group?

11 A I'm not.

12 Q Then MBPD?

13 A I don't recognize that one at all.

14 Q CRM?

15 A CRM, I don't -- I mean, that's not an  
16 IBM-unique acronym. CRM is Customer Relationship  
17 Management, is what I understand it to be.

18 Q That's perfect. I don't intend these to  
19 necessarily be IBM unique. They just appear in many of  
20 the documents IBM has produced in this case.

21 A Okay.

22 Q CMS Agent Group?

23 A I'm a little familiar with CMS. It's not the  
24 tool that I use on my team. I believe it's used on  
25 other parts of remote support.

□

26

1 Q CMS is a tool?

2 A I believe it's a tool.

3 Q US Work Force Management?

4 A I don't know what that means.

5 Q How about America's BTO/CRM Customer Contact  
6 Centers?

7 A I would know that to be the individuals that  
8 are on the fifth floor in my building and many other  
9 places.

10 Q WFM?

11 A Sounds like a radio station.

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12 Q It does to me, too.  
13 A Beyond that, I'm sorry.  
14 Q US Resource Planning?  
15 A It's kind of intuitive. I don't know exactly  
16 what it is. Maybe -- it might be our people in Raleigh  
17 that do our resume, you know, job posting kind of  
18 stuff.  
19 Q I think I figured out yesterday SCET, Software  
20 Customer Entitlement Team?  
21 A It sounds close, sounds what it could be.  
22 Q Do you know what a DOR is?  
23 A I don't.  
24 Q Do you know what PMR process error is?  
25 A I know what PMR is.

□

27

1 Q Okay, PMR.  
2 A PMR is a call record, one of the tools that  
3 are used to document client problems.  
4 Q And the PMR, if I understand it correctly, for  
5 every specific problem that PMR moves from call center  
6 to call center or from like technical support back to  
7 sales where you all sort of --  
8 A No. I think --  
9 Q -- include your input?  
10 A -- you've been a little misinformed there.  
11 Q Okay.  
12 A Sales certainly don't use RETAIN/PMRs.  
13 Q okay.  
14 A Some support centers do use RETAIN as their

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15 call management tool. I don't. System X doesn't. So  
16 another support center with a PMR couldn't move that  
17 PMR to me because we don't use that tool. So in that  
18 respect, you didn't have it quite right. It is a call  
19 management tool.

20 Q It is a call management tool?

21 A (Nods head affirmatively.)

22 Q Do people include like notes about a call?

23 A Absolutely.

24 Q And, say, a resolution about a call or plans  
25 for what research to do next on this issue?

□

28

1 A Any and all of that would probably be included  
2 in a PMR, yes.

3 Q Okay. What is System I?

4 A System I is another platform of machines.  
5 They used to be called AS 400, which is what I remember  
6 it to be. Now they're System I. It's just another  
7 family of machines.

8 Q And System P?

9 A Another family of machines.

10 Q And System Z?

11 A Another family of machines.

12 Q I came across something Tivoli, T-I-V-O-L-I?

13 A Tivoli is software, a company that we actually  
14 bought. But it's a software product, not a hardware  
15 product.

16 Q I guess you provide technical and customer  
17 support for it as well then?

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18 A There is someplace --  
19 Q Not your group?  
20 A Somewhere in IBM, there is, yes, support for  
21 Tivoli.  
22 Q Rational?  
23 A I'm not familiar with Rational.  
24 Q IM, I assume, whenever I see that, I'm just  
25 guessing instant messaging, but that may be --

□

29

1 A That's what it would mean to me.  
2 Q AIM?  
3 A AIM is a tool out on the Web world for instant  
4 messaging. I use it.  
5 Q RSS?  
6 A No. RSSCC, but not RSS.  
7 MR. WALTON: Do you want to take like a  
8 five-minute break.  
9 (A recess was taken from 9:50 to 9:55 a.m.)  
10 BY MR. WALTON:  
11 Q Now, you provide technical support, your  
12 group, right, for System X?  
13 A Yes.  
14 Q Does a different group at IBM provide other  
15 kinds of support for the same system?  
16 A No.  
17 Q Are there other kinds of support that IBM  
18 provides to customers or clients?  
19 A There's multiple support centers within IBM.  
20 Q Can you describe the different kinds for me?

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21       A     Well, I think you took yourself down that list  
22 when you read Z, P and I. You mentioned Tivoli, which  
23 would be on the software side of the business. I can't  
24 tell you more than that. But, I mean, we support  
25 whatever our client needs us to support, I'm sure.

□

30

1       Q     So for each of those products I mentioned,  
2 there would be a different group dedicated to  
3 supporting it?

4              MR. RAY: Objection to the extent it  
5 calls for speculation.

6              But certainly you can answer.

7        A     (By the witness) Could you ask me again?

8        Q     Yeah. For System I, System P, System Z,  
9 Tivoli, for each of those products or product groups,  
10 right, there would be a support center within IBM for  
11 it?

12             MR. RAY: Same objection to the extent  
13 it calls for speculation.

14             But you can answer, if you can.

15        A     (By the witness) The extent of my knowledge  
16 of it, the answer would be yes, but I don't know if  
17 it's limited to those specific products by themselves.  
18 I don't know enough about it.

19        Q     Right. I started trying to ask you, you do  
20 technical support. What happens if somebody has a  
21 question about, say, contractual arrangements?

22        A     Well, if they called us, they would be calling  
23 the wrong place. We would want to transfer them to

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24 wherever they really needed to be if they got us in  
25 error.

□

31

1 Q Are there other kinds of support within the  
2 IBM -- correct me if I'm wrong. You guys focus on the  
3 technical support for a client. Is there also, say, a  
4 customer relations support of some sort or contractual,  
5 as I've heard, entitlement support?

6 A Entitlement is clearly a support center, if  
7 you will. We have some interaction with that team from  
8 time to time.

9 Q And then are there other kinds of support  
10 centers, if you know?

11 A I would clearly state that I know and realize  
12 there are hardware support centers and there are  
13 software support centers.

14 Q Okay.

15 A And that's probably all I want to speculate  
16 on. I know those for a fact.

17 Q There are hardware and software support  
18 centers?

19 A Right.

20 Q And that's a line that IBM sort of -- a  
21 demarcation line for the kind of support centers?

22 A I don't know if it's a demarcation line. It's  
23 a --

24 Q Distinction?

25 A It's a difference in technology that requires

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32

1 different levels of skills, different types of skills.

2 Q And would there also be a laptop kind of  
3 support?

4 A There is a laptop support center.

5 Q Okay. Do you know where that or a laptop  
6 support center is?

7 A There's one in Sterling Pointe in Atlanta.

8 Q Do you know where there are other kinds of  
9 hardware support centers?

10 A I know of some geographically, yeah.

11 Q Which ones?

12 A Well, we could start right here in Atlanta.

13 Q Okay.

14 A I know there's a small center in Charlotte,  
15 Raleigh, North Carolina, have some people in a team in  
16 Poughkeepsie that I'm aware of in New York, clearly in  
17 Dallas, Austin, Rochester, Minnesota, Tucson, Arizona,  
18 San Jose, California. That's the ones that I have  
19 personal knowledge of.

20 Q And with technical support for System X, do  
21 you have people employed there 24 hours a day?

22 A Yes.

23 Q So somebody in Beijing, for example, with a  
24 Blade server, they're going to try to reach you here?

25 A No. My center supports North America.

33

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1 Q North America only?

2 A Yes.

3 Q And that person with the blade server in  
4 China, they would be trying to reach somebody at a  
5 different support center?

6 A A team similar to mine in a different  
7 geography, that's correct.

8 Q Is that the same for these other kinds of  
9 support centers that you know about? Are they limited  
10 to serving or supporting North America?

11 A Some that I know about, the answer would be  
12 yes. I can't speak to all of them.

13 Q Yeah. I'm not asking you to speak for all of  
14 them, the ones that you know about.

15 A In most cases, IBM is structured such that  
16 there's support centers within the countries and  
17 geographies around the country.

18 Q So there's support centers in --

19 A There's language barriers and things like that  
20 that require that.

21 Q How long has Vicki Reidy been the person you  
22 report to?

23 A Presently, I think it's been two years,  
24 two-plus years.

25 Q Who was it before Vicki?

□

34

1 A Roy Ovesen, I believe.

2 Q And how long was Roy in that position?

3 A Similarly, two, three years maybe.

4 Q Is Roy still with the company? 111208\ambousis-cp

5 A I believe he -- he retired, and I believe he  
6 has come back, yes. I think so.

7 Q Do you happen to know where?

8 A I don't know what he's doing.

9 Q Now, where is physically -- you're on the  
10 ninth floor, right, at Riveredge?

11 A Right.

12 Q Where is your office located on the ninth  
13 floor?

14 A I'm in a office that's on an outside wall  
15 looking out through the windows. The rest of the floor  
16 is structured in cubicles.

17 MR. WALTON: Can we go off the record  
18 for a second?

19 (A discussion ensued off the record.)

20 (Plaintiff's Exhibit No. 2 was marked.)

21 BY MR. WALTON:

22 Q I've handed you what's now been marked Exhibit  
23 2.

24 A Okay.

25 Q Can you describe for me what this is?

□

35

1 A It's a very archaic floor plan of the ninth  
2 floor, 1500 Riveredge.

3 Q And you've put on here -- why don't you  
4 describe for the record --

5 A I think the question was where is my office.

6 Q Correct.

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7 A And then you asked me to draw this.

8 Q Yes.

9 A My office is right here.

10 Q There's an arrow pointing up to your office.

11 Where is the elevator bank?

12 A Right in the center here.

13 Q Do you have to badge in to get into the ninth

14 floor?

15 A You do.

16 Q Where do you badge in?

17 A There is one, two, three doors that you can

18 badge in. There's a little hallway here. The

19 bathrooms are here, and there's three badge doors.

20 Q Is there a break room on the ninth floor?

21 A Yes.

22 Q Where is the break room located?

23 A The break room is like over here. It's part

24 of this center core.

25 Q Can you put a B in the middle there or

□

36

1 something that we can identify it?

2 A (Witness writing on exhibit.)

3 Q Thank you. When you badge in, does it

4 record -- is the time somebody records badging in kept

5 by IBM anywhere?

6 A If so, it would have to be the IT people, the

7 people that, you know, own our tools and manage our

8 tools within the building, I suppose.

9 Q They would be the ones that might know that,

10 would answer that? 111208lambousis-cp

11 A (Nods head affirmatively.)

12 Q And then in the remainder of the open area, is  
13 that -- what is that? Is it going to be cubicles?

14 A It's all high wall cubicles.

15 Q And high wall, how high are the walls?

16 A About my height, about 5-7, 5-8 maybe.

17 Q For many people who --

18 A Can't see over them. I have a hard time  
19 seeing over top of them.

20 Q Even standing up?

21 A On my tiptoes, I can kind of glance over top  
22 of them.

23 Q Okay. And the cubicles themselves, how big  
24 are they?

25 A I would be guessing, typical cubicle, 48

□

37

1 square feet sounds familiar to me, floor space.

2 Q Okay. But are they all uniform? I mean, are  
3 they all the same, the cubicles?

4 A For the most part. There are a few that are  
5 on end rows and that are designated to be team lead  
6 cubicles that are a little bit different in  
7 configuration, if you will.

8 Q And are the team lead cubicles a little bigger  
9 or just different in configuration?

10 A I don't think they're bigger. I think they're  
11 just a little different in configuration. There's a  
12 window that's in one of those six-foot panels that I

13 was talking about versus not having a piece of glass.  
14 I believe they're offset a little bit in the hallway.

15 Q I heard yesterday about limitations on the  
16 number of coffee pots now on the floor. Do you have a  
17 limitation on the coffee pots on your floor?

18 A The limitation is we don't have personal  
19 coffee pots on the floor. That's always been the real  
20 estate rule. We have a break room where we have a  
21 commercial coffee maker that we provide for our reps.

22 Q Is there another coffee pot on the floor  
23 anywhere other than the break room?

24 A Not that I know of.

25 Q Okay. What hours do you work?

□

38

1 A Generally, I'm there during the day, daylight  
2 hours, 7:00 to 5:00 or 6:00, 8:00 to whenever. I don't  
3 really have a specific -- I'm exempt. I --

4 Q Right. I mean, I understand you're exempt.

5 A Generally, I'm there during what we would  
6 consider to be your traditional first shift.

7 Q And what are the hours of the first shift?

8 A On my team, there are many different start  
9 times, shift times. So there's nothing traditional  
10 about it. I only said that because I thought you would  
11 understand it.

12 Q I have seen it in the documents.

13 A We have start times that start almost every  
14 hour, every half hour. Particularly in the mornings,  
15 we have every quarter hour.

16 Q You have start times every quarter hour in the  
17 morning?

18 A In many cases.

19 Q Why do you have different start times?

20 A To meet the needs of our clients. The call,  
21 the inbound call patterns dictate when I staff people  
22 on the floor.

23 Q Is it -- what variable makes it the single  
24 largest determination, is the determining factor? Is  
25 it the volume of calls?

□

39

1 A volume of calls.

2 Q So the higher the volume of calls, the more  
3 people that are needed to be staffed?

4 A Yeah.

5 Q Is there a particular reason why you stagger  
6 them perhaps 15 minutes in the morning apart?

7 A Again, I align it as closely as possible with  
8 inbound call patterns.

9 Q I was wondering if it was like maybe a traffic  
10 pattern, too much congestion or anything like that.  
11 Just strictly on the client calls?

12 A That wasn't in the thought process. It's  
13 strictly inbound call patterns.

14 Q Okay. How many hours a day do the nonexempt  
15 call center employees of yours work?

16 A They are scheduled to be on site for nine  
17 hours, an hour which is unpaid lunch.

18 Q Is there a later shift other than the morning

19 shift? 111208lambousis-cp

20 A Yeah. I have noon start times. I have 3:00  
21 p.m. start times, 9:00 p.m. start times, 11:00 p.m., so  
22 a multitude of different start times.

23 Q Throughout the day?

24 A Throughout the day.

25 Q And evidently well into the night?

□

40

1 A When you get the third shift, at that point,  
2 everybody is there and working. I don't stagger  
3 through the night, no, because the call patterns don't  
4 go that way.

5 Q So third shift being what start time for you?

6 A Historically, third shift is considered 9:00  
7 p.m. or later.

8 Q And still the third shift is still a nine-hour  
9 shift, typically?

10 A I have some of both. I have some 10-hour,  
11 four-day-a-week people on third shift, and I have some  
12 five eight-hour shifts.

13 Q Is that true for all your employees? You have  
14 some that are going to be the four 10-hour shifts?

15 A That's recently true.

16 Q None of your nonexempt employees are scheduled  
17 to work more than 40 hours a week, typically?

18 A Typically.

19 Q There may --

20 A There are times when they're scheduled  
21 overtime.

111208lambousis-cp  
22 Q Right. There are times -- I understand  
23 there's going to be scheduled overtime?  
24 A Right.  
25 Q But in general, they're going to be scheduling

□

41

1 them at the 40 hour a week?  
2 A That's correct.  
3 Q And you said recently you've gone to  
4 throughout the day some people having the four-day  
5 10-hour shifts?  
6 A Right.  
7 Q When did that change occur?  
8 A I think we implemented it about six weeks ago,  
9 give or take. It was an effort to relieve folks on a  
10 voluntary basis of \$4 a gallon gasoline.  
11 Q It was in response to the high gas prices that  
12 we just --  
13 A Prior to that, the only four 10-hour day  
14 shifts I had were those people that voluntarily were  
15 working third shift.  
16 Q Out of curiosity, has gas prices dropped  
17 significantly now here?  
18 A It's \$2 now or even less. It's below \$2 right  
19 now.  
20 Q Are some of your employees still interested in  
21 maintaining their four-day?  
22 A Some have. Some have already opted back off  
23 of it.  
24 Q But that's an employee-by-employee decision

25 for you?

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□

42

1 A Well, driven by what was going on with  
2 gasoline, et cetera, yeah. I mean, that's not ever  
3 been a thought process in my center prior to that  
4 issue.

5 Q Okay. Now, how does IBM keep track of their  
6 call center employees' work time?

7 A Actually, the employee keeps track of his work  
8 time through a tool that's part of IBM's tools.

9 Q Which tool?

10 A eTOTALS.

11 Q And how does that work?

12 A It's just an online tool that you log into,  
13 brings you personally up. If you have a fixed  
14 schedule, the schedule is fixed in there. If you have  
15 incurred overtime, you record the overtime there on the  
16 day it was worked, and then it goes -- it's submitted  
17 electronically, and it routes to that person's manager.

18 Q Let me just go back. When the employee pulls  
19 it up, it pulls up their existing schedule?

20 A Yes.

21 Q Whatever numbers are in there are  
22 preprogrammed default numbers of that existing  
23 schedule?

24 A Most people have that in there, that's true.

25 Q And then if they work hours different from

□

43

111208lambousis-cp

1 that schedule, the employee makes changes on that  
2 eTOTALS?

3 A Yes.

4 Q Now, is it as simple as clicking a button and  
5 me typing in the additional time I worked, if I work  
6 additional time?

7 A Yeah. It's pretty simple. You would tab over  
8 to the day in question. Then there's a group of  
9 circumstances, one of which says overtime. So you  
10 would put a splat there. Then it would pop a window up  
11 and let you put the time, the actual time that you  
12 worked in there.

13 Q You said there's a group of circumstances.  
14 what other circumstances are listed?

15 A Things like illness.

16 Q Okay.

17 A Leave of absence. There's a lot of different  
18 things in there, most of which, you know, rarely come  
19 into play. I would say illness and overtime are the  
20 two major uses within that tool.

21 Q Okay. Then after I make those changes, I  
22 presume there's a button to hit save, and I save  
23 changes of some sort?

24 A Submit.

25 Q Submit?

□

1 A Yeah.

2 Q Where does the submission go?  
Page 39

111208lambousis-cp

3 A If there's -- if there is an exception on  
4 there, something other than the standard 40-hour work  
5 week, it routes to the assigned manager.

6 Q Does that mean it's routed to you?

7 A It's routed to the manager of record for that  
8 employee. So the ten team leads we talked about  
9 before, their time cards would come to me.

10 Q Okay. And the people underneath them, the  
11 time cards would go to those ten leads?

12 A No. Every IBM employee in System X has an IBM  
13 manager.

14 Q Okay.

15 A So there are two other managers beside myself  
16 within System X.

17 Q Who are those two?

18 A Juanita Carver and Steve Coy.

19 Q How long have those two been in their  
20 management positions under System X?

21 A Steve's been there about a year, I believe.  
22 Juanita's been there three, four years. I don't know.

23 Q And who was it before Steve?

24 A Maybe Ed Lewis for a period of time. I'm  
25 trying to remember.

□

45

1 Q Was Ed Lewis the manager for only a short  
2 period of time?

3 A Yeah. I think he was on a -- he took a family  
4 leave of absence or something, was out for a couple of  
5 years or something. So there's been some changes. I'm

111208lambousis-cp

6 not saying that there's always been two other managers  
7 beside myself at any given point in time. So for the  
8 most part, that's the way we are set up now.

9 Q You've got two now in addition to yourself?

10 A Right.

11 Q Two managers in addition to yourself?

12 A For System X.

13 Q For System X, right?

14 A Right.

15 Q And it sounds as though that maybe within the  
16 last four years, there's been times where it's been you  
17 and Juanita that have been the managers for System X?

18 A A couple of short periods of time, yes. I  
19 think Juanita and I shared some of those employees,  
20 that's true.

21 Q And then other times there's been Juanita and  
22 Mr. Coy in addition to yourself as managers?

23 A Yes.

24 Q And then at other times, there was Ed Lewis  
25 and Juanita and yourself as the managers for System X?

□

46

1 A Yes, I believe that's correct.

2 Q And that's going back, now, probably four  
3 years?

4 A Yeah. I think, you know, to the best of my  
5 recollection, that would be correct.

6 Q And what started this was I was just trying to  
7 understand where the eTOTALS or the time cards --

8 A I understand.

111208lambousis-cp

9 Q Okay. Do you know what a comparison report  
10 is?

11 A Not by that name, no.

12 MR. WALTON: Can you mark this as  
13 Exhibit 3?

14 (Plaintiff's Exhibit No. 3 was marked.)

15 BY MR. WALTON:

16 Q I'm handing you what's been marked as  
17 Plaintiff's Exhibit 3. It's also Plaintiff's 423,  
18 Bates numbers. Do you recognize something like that?

19 A No. I don't use anything that looks like  
20 this. Well, I use -- I have a report -- I'll change my  
21 answer to I have a report that provides me similar data  
22 than what I think I'm looking at here. How's that?

23 Q That's fine. What do you call your report?

24 A Log-in/log-out.

25 Q Your log-in/log-out report, what does that

□

47

1 provide you? I mean, what information, what data does  
2 your log-in/log-out report provide?

3 A It provides employee -- employee's name,  
4 obviously, the time they logged in for that day, the  
5 time they logged out for that day, and also the amount  
6 of time that they were in lunch and break. Codes on  
7 their telephone totals that time for me.

8 Q All right. And how frequently is your  
9 log-in/log-out report generated or do you generate it?

10 A I don't generate it, but I get it -- I receive  
11 it daily.

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12 Q Are there other managers in System X that  
13 receive that same report?

14 A I believe so, yes.

15 Q Today would that include Juanita and Mr. Coy?

16 A Sure.

17 Q Are there other managers in addition to  
18 those -- to the three of you that would receive that  
19 same log-in/log-out report?

20 A I'm not sure, don't think so. Well -- I don't  
21 know.

22 Q I'm not sure if I asked this. Do IBM  
23 employees have to badge in to get into the building?

24 A They do if it's early hours. There's been a  
25 change since we got a commercial customer in our

□

48

1 building. So the answer is if it's after, I believe,  
2 7:00 a.m., they don't have to. They would have to once  
3 they got to their individual floor, but not through the  
4 lobby where there is, in fact, a badge reader. The  
5 hours when security is not there, those doors are  
6 locked, and you do, in fact, have to badge in.

7 Q Now, who provides your customer service reps  
8 their training on how to do the job?

9 A My team is partly responsible for their  
10 training. The IBM Education Center does a lot of the  
11 technical training, and then we have many online  
12 self-paced kinds of courses that the employee does  
13 themselves. So it's a combination.

14 Q What are the online courses?

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15 A They could be specific to a machine. It could  
16 be a course that teaches you how to repair a specific  
17 machine.

18 Q Now, let's just look at the training for a  
19 second. Is there a mechanism for your employees to  
20 record their training time in eTOTALS?

21 A No, in TOTALS, no. It would just be  
22 considered time worked.

23 Q Different from any other time worked?

24 A From a time recording point of view, training  
25 would be no different than working.

49

1 Q Okay.

2 A Training is working.

3 Q Now, your team provides some of their  
4 training, correct?

5 A Yes, parts of my team.

6 Q Parts of your team, not all of your team.  
7 What kind of training does some of your team members  
8 provide?

9 A Clearly, technical training above and beyond  
10 what they may have already gotten from our own  
11 education center or online courses, also, unique  
12 processes unique to System X, the tools, the processes.  
13 If you're new to System X, that would be a major piece  
14 of your learning experience.

15 Q Then the IBM Education Center, what kinds of  
16 training does it provide to your employees?

17 A It's typically specific hardware repair

111208lambousis-cp

18 training.

19 Q Now, at what point, if ever, are the employees  
20 trained on how to enter their time for eTOTALS?

21 A That's part of a new hire orientation.

22 Q Who is it that does that training?

23 A I don't think you could pin that down to any  
24 one person. There's been changes in that that I recall  
25 through the years.

D

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1 Right now, they have implemented a new two-day  
2 class that you go to as a new IBM employee. Prior to  
3 that, we were using a thing called a career coach  
4 designated in the center to basically convey the same  
5 information as this two-day class, but it was done more  
6 personal one-on-one. There's been different iterations  
7 of how that takes place.

8 Q Okay. Where does the two-day class occur?

9 A All over the country, here in Atlanta. We had  
10 somebody here in Atlanta recently that came to the  
11 class from Raleigh that we had just recently hired.

12 Q But would the Atlanta -- I'm trying to  
13 understand. Would the Atlanta employees, say, ever go  
14 to Dallas for the two-day class?

15 A I wouldn't rule it out, no. From an expense  
16 point of view, you would try to get a class that was  
17 geographically where your employee is, but based on  
18 scheduling, et cetera, as I had to bring this young  
19 lady from Raleigh to Atlanta, I may have to do that  
20 from Atlanta to Dallas or someplace else.

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21 Q And the career coach, who was the last career  
22 coach that, I guess, System X had or was it for the  
23 Atlanta Riveredge facility?

24 A No. It was for System X.

25 Q Okay.

□

51

1 A The last person we had designated was Lou  
2 Mangones, and he has since left the business.

3 Q And that career coach would sit down with each  
4 new hire one-on-one, or would it be a group of new  
5 hires?

6 A If we hired them --

7 Q Or it could be both?

8 A If they were hired as a group, it could be  
9 both. It could be individual, or it could have been  
10 more than one.

11 Q And how long would that career coach train  
12 them or would this training take?

13 A Because it took place in the conference room  
14 right next to my office a couple of times, I recall it  
15 being at least, you know, an all-day affair.

16 Q How long was it that you all were using the  
17 career coach to train new hires? You described a  
18 process --

19 A This two-day class is real new. It's like in  
20 the last few months that that became the new status  
21 quo.

22 Q And the career coach process lasted?

23 A I think as long as I've been a manager there,

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24 that was the process.

25 Q Nine years?

□

52

1 A Yeah, I think.

2 Q At least?

3 A Right.

4 Q How is it that in System X you get to  
5 determine how many employees, call center reps you get  
6 to have on the floor? Is it a budgetary question? Is  
7 it --

8 A Are you assuming that I set my head count?

9 Q Okay. Let's back up. Who sets your head  
10 count?

11 A I believe it's done by my boss's boss and his  
12 financial guy.

13 Q So you don't get to make that determination, I  
14 guess? You may have some input?

15 A I get to participate with input, but I don't  
16 have the final decision, no.

17 Q How is it that that decision is made, if you  
18 can describe the process and the considerations?

19 MR. RAY: Object to the extent it calls  
20 for speculation.

21 But you can certainly answer.

22 A (By the witness) Well, because I've never  
23 actually been there with these individuals to go  
24 through the process in its entirety, I don't want to  
25 confuse you by guessing.

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□

53

1       Q     I don't want to be confused either. So I  
2 appreciate that. But what is your participatory role?

3       A     Clearly, the amount of calls that -- your call  
4 volume obviously is a big driver to how many people are  
5 required to handle your clients. That's certainly  
6 the -- that's the number-one input to that.

7       Q     Then that again goes back to the customer  
8 first and taking care of the customer?

9       A     Well, you have a set of business objectives.  
10 It would require a certain number of head counts to  
11 make that objective. If you cared about how quickly  
12 you answered the phone, then yes.

13      Q     Do you get to make the head count  
14 determination for the number of like exempt or  
15 management people you have on your team?

16      A     No.

17      Q     That's also a determination made by your  
18 superiors?

19      A     It's made by them, yes.

20      Q     Do you get to make the determination of how  
21 many nonexempt call center representatives you have on  
22 each shift or how they're scheduled throughout the day?

23      A     Yes, I do.

24      Q     So you get the head count determination made  
25 for you, but you get to make the determination on how

□

54

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1 to schedule the number of heads?

2 A Right. That's exactly right.

3 Q Is there a start time policy for your call  
4 center representatives?

5 A There's an expectation. I have an expectation  
6 for System X that says you need to be at your cubicle,  
7 logged on, ready to take a call at your start time.

8 Q Okay. Is your expectation pretty much  
9 communicated to your team?

10 A It has been communicated to the team, yes.

11 Q What is required of your employees to meet  
12 that expectation?

13 A To power up their workstation, apply their  
14 passwords and then enter their five-digit phone ID that  
15 logs them into the phone system.

16 Q Say I was one of your employees. How long  
17 would that take me to do, to power up, log in?

18 A I've never taken the time to measure it, but  
19 my good guesstimate would be it's a four-, five-,  
20 six-minute ordeal, based on my own tools.

21 Q Correct me if I'm wrong. I'm going to assume  
22 that some days it's quicker than others; some days it's  
23 slower, depending on what computer processes are  
24 running in the background, or maybe a tool program  
25 crashes?

□

55

1 A I don't think I can assume that.

2 Q Okay. Is it pretty uniform then?

3 A If an application is off line, it's off line.

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4 You can't get to it, and I can't get to it either. I  
5 don't know how else to answer that. I don't think you  
6 can assume that the time will vary.

7 Q So your experience is that the time remains  
8 pretty consistent?

9 A I would say yes.

10 Q Does everybody on the floor have the same  
11 computer processing unit?

12 A No.

13 Q Would the time vary?

14 A The workstation, do they all have identical  
15 workstations?

16 Q Right.

17 A The answer is no.

18 Q Do you know if the time would vary depending  
19 on somebody's workstation?

20 A You know, I'm not a technical guru anymore.  
21 We attempt to have the same speed equipment on the  
22 floor. So I would suspect that they would be very  
23 similar, but I don't know.

24 Q And is there an end time policy? We were just  
25 talking about start time, right?

□

56

1 A Okay. Now you're asking --

2 Q Now I'm asking about like the end time.

3 A Well, I'm going to rephrase it for you and  
4 tell you what my expectation is for a stop time.

5 Q That's perfect.

6 A For System X. And that is --

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7 Q Okay. That's what I was trying to ask. So  
8 thank you.

9 A -- your schedule is your schedule, unless  
10 you're still on the phone with a client or we have  
11 calls backed up. If you're on the phone with a client,  
12 you finish that work with the client. You record that  
13 time. You go home.

14 If you're not on the phone with a client and  
15 there aren't any calls or buzzers aren't going off and  
16 there's no immediate need for you to be there, before  
17 your stop time, shortly before, you power your stuff  
18 down and proceed out the door.

19 Q I mean, much in the same way, other than if  
20 you're on the phone with the client, it would just be  
21 the reverse of what you had to do in the morning:  
22 Power down, log off and leave?

23 A Yes, pretty much.

24 Q Then the exception being if you're on the  
25 phone with a client, you take care of the client,

□

57

1 record the extra time, and then you do the power down  
2 and everything?

3 A Yes.

4 Q I mean, there may be some minor differences  
5 here and there?

6 A Pushing the on-off button, which some people  
7 do, which would be an immediate time to go off. The  
8 answer is yes.

9 Q Do your call center representatives get to

10 take breaks whenever they want?

11 A For the most part, we have recommended windows  
12 of time for breaks and for lunch, because we have to  
13 manage again availability to our clients. So depending  
14 on when your start time is, we have a window that we  
15 would prefer that you work within if possible, but it's  
16 not always possible. You get caught on a call with a  
17 client. We understand that. So the answer is we have  
18 recommendations, but they take the breaks when they  
19 take the breaks.

20 Q And --

21 A If they're well outside their window, we may  
22 ask that they discuss it or talk to their team lead.  
23 Beyond that, it's pretty much the employee's choice.

24 Q Then the hour, it's not preset in stone, if  
25 I'm understanding you? It's recommended again, the

□

58

1 hour for lunch, right?

2 A It's not preset. We have a window of time,  
3 which typically is four hours after your start time.

4 Q And do you know if that's true for, say, the  
5 call center on the fifth floor, if it's the same?

6 A I don't have a clue how they manage their  
7 breaks.

8 Q Are you aware of the Department of Labor ever  
9 coming and conducting an investigation of wage-and-hour  
10 payment and policies ever at IBM Riveredge?

11 A I'm not aware of it.

12 Q What about the State of Georgia?

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13 A I'm not aware of that either.

14 Q Okay. What is -- are you familiar with if I

15 say the word "productivity"?

16 A To the extent of my definition, yeah, I am.

17 Q What is your definition?

18 A It's the way we analyze the amount of work

19 that an employee produces within an eight-hour workday.

20 Q And what are the variables or metrics that go

21 into that measurement for you?

22 A We look at productive and nonproductive codes

23 on the telephone that they can enter. We look at the

24 number of calls taken. A number of factors go into it.

25 There's no expectation that anybody would be 100

□

59

1 percent --

2 Q Productive all the time?

3 A -- productive every day, yes. That's

4 unachievable.

5 Q I mean, do you have a percentage expectation

6 in general?

7 A Yeah. I like to look at about 80 percent from

8 the environment we're in.

9 Q Okay. Is there a report that would

10 specifically identify for me like all of the factors or

11 variables considered?

12 A No. I don't think there's any one report that

13 does that, no. It would have to be a combination of

14 data.

15 Q And what combination of data would that be or

16 would need to be provided for me to see all of the  
17 different variables?

18 A It could be just any number of reports. I  
19 mean, there's many different ways to slice things. It  
20 would -- obviously, it would have to include reports  
21 that came from the telephone switch to include  
22 telephone time, as I said. It would have to produce  
23 calls that come from our call management tool, which  
24 would go towards number of calls taken, so in  
25 combination of different ways to look from those two

□

60

1 basic places.

2 Q What call management tool do you use?

3 A There's a tool called ICPM.

4 Q ICPM?

5 A Yes.

6 Q Do you have a title for the telephone switch  
7 report that you were just referencing? Is there  
8 something you refer to that as?

9 A I couldn't count the number of reports that  
10 are within that tool, if need be. So I don't --

11 Q Is that also an ICPM tool then, or is it a  
12 different tool?

13 A The telephone tool would be totally separate  
14 from the ICPM tool.

15 Q What's that tool, the telephone tool?

16 A I believe the software is Avaya. Centerview  
17 is another name for it.

18 Q I'm sorry. What is that?

19 A 111208lambousis-cp  
Centerview.

20 Q Does your floor have sponsors? Does that make  
21 any sense to you when I ask that question?

22 A No. A sponsor would be somebody, you know,  
23 that gives me money to go do something. That's the way  
24 I understand sponsor, so, no, I don't. I don't  
25 recognize that in any context with work.

□

61

1 Q Okay. You mentioned Avaya. Is there separate  
2 training for the Avaya phone system that new hires are  
3 provided?

4 A They give an orientation of how to log on,  
5 what the AUX codes are, when to use them, like that.  
6 It's a very short process. It's not a lot to it.

7 Q And the AUX codes, if I recollect, are there  
8 eight different AUX codes, eight or nine?

9 A There's nine. There's actually -- it's  
10 actually ten.

11 Q And that's A-U-X, when we say AUX?

12 A A-U-X, auxiliary codes.

13 Q Auxiliary. Is there a specific AUX code for  
14 being available or on your phone?

15 A Avail is avail. On your phone is talk time.

16 Q Okay.

17 A Waiting in avail but waiting on a call is  
18 exactly that, and then the AUX codes are anything that  
19 would stop you from being eligible to get a live call.

20 Q Right. That's what they're used to track?

21 A Right.

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22 Q Do you have specific expectations or policies  
23 as to when an AUX code is used, a specific AUX code, or  
24 is that part of the training?

25 A It's part of the training. we have them

□

62

1 defined and understand and defined for System X. The  
2 system is shared by several different support centers.  
3 They can only be defined one way in the switch. So  
4 each center has to apply their own definition to them,  
5 if you will.

6 Q So each center has the same AUX codes, but  
7 each center, so System X, your floor would provide its  
8 own interpretation or definition?

9 A In some cases, they're interpreted -- they're  
10 set out with a different definition than in another  
11 other center.

12 Q Okay. But the AUX codes themselves can't  
13 change?

14 A No. It would be -- show up AUX-1 on third  
15 floor and on the fifth floor and on my floor, but it  
16 could very well have three different definitions.

17 Q Okay.

18 MR. WALTON: Another five-minute break.

19 (A recess was taken from 10:59 to 11:12 a.m.)

20 (Plaintiff's Exhibit No. 4 was marked.)

21 BY MR. WALTON:

22 Q George, I'm handing you what's been marked as  
23 Plaintiff's Exhibit 4, also Bates number P347, 348,  
24 asking you first can you look it over and tell me what

25 it is?

111208lambousis-cp

□

63

1 A Parts of it is a note that I sent to the team  
2 sometime back, I guess. Parts of it I don't recognize  
3 as being from my notes header or my closing, et cetera.

4 Q Why don't you tell me what is not part of your  
5 notes header or closing.

6 A Page 1, that's just a list of names from a  
7 distribution list. That's okay. Then this thing here,  
8 forward note from manager in 2005, that's not me. I  
9 don't know where that came from. Then there's  
10 another -- continuation of the distribution list names.  
11 Then it gets to the header of the note. I certainly  
12 recognize the note itself.

13 Q Okay.

14 A Then anything below my name here at the  
15 bottom --

16 Q Is not part of --

17 A Right.

18 Q If you can go ahead and cross out anything  
19 that's not part of something you recognize.

20 A (Witness marking on exhibit.)

21 That's pretty much it, yeah.

22 Q Okay. Thank you. On there, I see the subject  
23 is "Reminder."

24 A I see that also.

25 Q As you sit here today, do you know what

□

64

111208lambousis-cp

1 prompted you to send this reminder?

2 A I do have a recollection of that.

3 Q And what is that?

4 A I had received several employees from  
5 different -- from a different support center, and I had  
6 heard rumors on the floor that these particular  
7 employees believed that as long as it was no more than  
8 15 minutes, you weren't really late.

9 So I had heard that. I don't know who fed it  
10 back to me, team leads or whoever, not important. So I  
11 was prompted to come back and try to reiterate what my  
12 expectation was for being employed on the System X  
13 team.

14 Q And that expectation -- correct me if I'm  
15 wrong -- being there available to take calls, booted  
16 up, ready to go at your start time?

17 A That's correct.

18 Q In there, I note you say, "The call center  
19 environment requires strict adherence to the schedule."  
20 Do you see that sentence in your note?

21 A I do.

22 Q And what do you mean there?

23 A I mean that the schedule, the start time is  
24 what it is. It's important to meeting our clients'  
25 expectations to manage to your schedule.

□

65

1 Q And why is strict adherence important?

2 A Well, again, let's stay in context of this is  
Page 58

1112081ambousis-cp

### 3 me and System x --

4 Q Understood.

5 A -- my team. My team is predominantly a live  
6 call team. I think I described to you earlier that  
7 clients can come directly to me. They don't stop at  
8 dispatch or anyplace else. So it's extremely important  
9 to our clients' satisfaction to meet those answer  
10 speeds, and we do that by being where we're supposed to  
11 be when we're supposed to be there.

12 Q And if people are not following it, then your  
13 schedules of how you assign people which shifts, what  
14 time to be there and everything, they may not mesh, if  
15 you will, with your clients' expectations and needs?

16 A That's correct.

17 Q Now, continuing on down in your note, you  
18 write, "I am actively monitoring this policy for  
19 adherence." What do you do to actively monitor?

20       A     Well, within the confines of the tools that I  
21 have available to me, there's a live tool that allows  
22 me to watch individual logged-in reps and see what  
23 state their telephone is in. It runs real time.  
24 That's what I'm referring to here, what I'm talking  
25 about here.

1

66

1 Q And what is your live tool called?

2 A It's part of Centerview. It's just another  
3 one of the reports that comes off of the Avaya switch.  
4 It just happens to run real time

5        9 Now, what happens when somebody is late? T

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6 mean, is that somehow -- is their pay docked?

7 A I don't believe so. Discussions I've had in  
8 our staff meetings, I don't believe that anybody's been  
9 docked, if you will, for those lates.

10 Q Correct me if I'm wrong. If somebody is, say,  
11 ten minutes late, my understanding, just generally  
12 speaking, is that they may stay ten minutes extra?

13 A Somebody might do that on their own. I don't  
14 really know. But it's certainly not ever been a  
15 requirement.

16 Q But is that something that you're not familiar  
17 with?

18 A Well, I know of people that have done that.  
19 They have told me they have done that: I'm sorry, I  
20 was late, and I'm going to stay an extra ten minutes to  
21 make it up. It makes no difference because the damage  
22 could have been done at your start time, anyway.

23 Q Right. And that's why strict -- that's why  
24 adherence is so important, is that you're scheduling  
25 them and basing them on the customers' needs; there's a

□

67

1 reason for it?

2 A That's right.

3 Q If I'm understanding you, the actual time that  
4 they are completely there and available to you is not  
5 nearly as important as them being where they're  
6 supposed to be when you say they're supposed to be  
7 there?

8 A That's another way of saying it, yes.  
Page 60

111208lambousis-cp

9 Q Do you get reports of how much your call  
10 center reps are paid on a -- are they paid biweekly,  
11 first?

12 A Yes. Do I get reports, I get -- I have access  
13 to that data from my own employees.

14 Q Okay. For your own employees, are they, in  
15 general, if they have no extra time, is it generally  
16 that they're paid for 40 hours every week?

17 A Well, generally, that's true. In the context  
18 of just overtime or straight time, that's right.

19 Q So then what happens with the time that, the  
20 five -- the four to six minutes, I believe we talked  
21 about, boot-up time before they take a call, are your  
22 employees paid for that time?

23 A If an employee puts that in eTOTALS, they  
24 would be paid for it.

25 Q And if they don't, they're not?

□

68

1 A They won't.

2 Q Now, would that startup time, that five  
3 minutes -- let's just call it five minutes for now,  
4 okay -- is that five minutes -- if they're paid for an  
5 eight-hour day, wouldn't it show up as eight hours and  
6 five minutes?

7 A If an employee put it in TOTALS, that's what I  
8 would see. If they said five minutes, I would be  
9 looking at a time card that said eight hours and five  
10 minutes.

11 Q Have you ever seen an employee put in that  
Page 61

111208lambousis-cp

12 boot-up time?

13 A I have seen overtime prior to start times. So  
14 I don't -- I can't tell you whether it was overtime for  
15 booting or overtime for working or what overtime it  
16 was.

17 Q Okay.

18 A We don't -- you know, when you're talking  
19 about minutes, we don't get into long conversations  
20 with employees about minutes of overtime.

21 Q And for you, you just see it as preschedule  
22 overtime?

23 A They're responsible to code the time worked.

24 Q And those codes again, is there a list of  
25 those codes in the eTOTALS, right?

69

1 A In eTOTALS, it is, yeah.

2 Q But there isn't then an eTOTAL code for just  
3 the boot-up time?

4 A Overtime is overtime.

5 Q You and I may understand that. But on the  
6 eTOTALS, there isn't a code for just the boot-up time?

7 A Nor should there be. Overtime is overtime.

8 Q Do you see -- I guess that's true for like  
9 postschedule time, too? Is there a specific code for  
10 being, say, still on the call?

11 A That's overtime. It's overtime assuming you  
12 have worked 40 hours that week.

13 Q Right. Up until you hit 40 hours, none of  
14 it's overtime?

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15 A That's true.

16 Q Now, as part of your training, were you ever  
17 given training on HR issues for your employees?

18 A Certainly, in management school that we all  
19 have to go to -- we call retread school -- some HR  
20 topics are part of those educational modules.

21 Q And one of those HR topics, would that include  
22 overtime?

23 A You know, I don't recall overtime specifically  
24 ever being discussed at the management level. I mean,  
25 it's a simple philosophy, in my mind. So I don't know

□

70

1 how you would not interpret it. So my answer is no,  
2 not in any class that I recall.

3 Q All right. Did you ever have any training on  
4 what I'll call off-the-clock work that you recall?

5 A off-the-clock work?

6 Q Right.

7 A We don't have off-the-clock work unless you're  
8 an exempt employee.

9 Q Did you have any training on what is  
10 compensable time?

11 A No. I don't recall.

12 MR. WALTON: I'm going to have you mark  
13 these two as whatever the next two numbers  
14 are.

15 (Plaintiff's Exhibit Nos. 5-6 were marked.)

16 MR. WALTON: I'm going to apologize to  
17 you right now for the quality of the copies.

111208lambousis-cp

18 BY MR. WALTON:

19 Q I have handed you to you what's been marked as  
20 Exhibits 5 and 6 to your deposition. Both of these  
21 were produced by IBM in discovery to us, and I'll  
22 represent to you that they are slides from a PowerPoint  
23 presentation for management training.

24 Do either of these exhibits look familiar to  
25 you?

□

71

1 A I can't say I've ever seen this, no.

2 Q It wasn't part of whatever HR training you've  
3 had as a manager then?

4 A Could have been. It was over ten years ago,  
5 but I don't remember it in this context. Obviously, a  
6 lot of the words makes sense to me, but I don't  
7 recognize this presentation. Particularly, this  
8 off-the-clock work, I thought that would have stuck in  
9 my mind.

10 Q All right. Are you aware of any studies,  
11 audits, examinations, if you will, to determine whether  
12 or not your System X call center employees accurately  
13 document all their time worked?

14 A I'm not aware of any, no.

15 Q Have you ever asked to conduct such a study or  
16 look at that issue?

17 A Me asked --

18 Q Yeah.

19 A No, huh-uh (negative).

20 Q And you're not aware of one being done, if I  
Page 64

111208lambousis-cp

21 understood your answer, correct?

22 A No. We've had many business controls audits.

23 I don't know if part of that was within that or not.

24 Q When you say "business control audit," who

25 would have implemented a business control audit?

□

72

1 A Corporate.

2 Q Are those business control audits  
3 standardized?

4 A I have no idea. I know they exist.

5 Q Do they come around regularly? I mean, do you  
6 notice any regularity to when they occur?

7 A No. I haven't seen any regularity.

8 Q When a business control audit is being done,  
9 what happens -- how are you notified that it's going to  
10 occur?

11 A We're notified via my boss.

12 Q Your boss would send you an e-mail?

13 A Probably.

14 Q Then --

15 A Maybe one would come from even higher than my  
16 boss. I don't know. It's been awhile.

17 Q Sorry this is another acronym that I neglected  
18 to mention. IBMUS or IBMUS (pronunciation), if I see  
19 that, am I understanding that's it's IBM --

20 A That's IBM United States, yes.

21 MR. WALTON: I guess we can mark this.

22 (Plaintiff's Exhibit No. 7 was marked.)

23 BY MR. WALTON:

111208lambousis-cp

24 Q I'm going to hand you what's been marked as  
25 Plaintiff's Exhibit 7. It's Bates number IBMSEWA4340.

□

73

1 My question has to do with what's up in that top box  
2 there. Do you use any of those manager tools that are  
3 referenced there in that top box or is that top box  
4 familiar to you?

5 A No. It looks like it's a Lotus Notes team  
6 room set up for IMBPD.

7 Q Okay. That was my next question.

8 A I'm just reading what I see.

9 Q Right. What leads you to believe that it's a  
10 Lotus Notes?

11 A Because, typically, our team rooms are all  
12 Lotus Notes based.

13 Q And within there, there are certain forms, if  
14 you will?

15 A I don't know. It says "Toolsuite Team  
16 Application." I don't know what that means, quite  
17 frankly.

18 Q We had the one e-mail from you, I think. we  
19 talked about the note. Do you use any forms or headers  
20 like that for your e-mails?

21 A This, like this?

22 Q Yes.

23 A No.

24 Q How do you send out your e-mails then?

25 A Mine have a Lotus Notes, personalized Lotus

111208lambousis-cp

□

74

1 Notes header. I don't remember what mine looks like  
2 today. We change it periodically. It may have a  
3 picture of a desk or something, and then at the bottom,  
4 I have a signature line. It includes my name, my  
5 title, my phone number, my physical address kind of  
6 stuff. The format is there.

7 This is a team room. The box around the team  
8 room thing is something I recognize from other team  
9 rooms.

10 Q Help me out. What is a team room?

11 A It's a database set up to be jointly used by  
12 numbers of people. Therefore, that's why they call it  
13 a team room. It could be for any particular business  
14 need.

15 Q Does System X have a team room?

16 A No. We do not have a team room for System X.

17 Q Another acronym, PBC?

18 A Personal Business Commitments.

19 Q Those are part of employee reviews,  
20 evaluations?

21 A Beginning of the year, you set your commitment  
22 to the business. At the end of the year, it's  
23 evaluated as to your execution to those commitments.

24 Q Do you have a PBC as well?

25 A I do.

□

75

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1 Q How are you paid? Salary and bonus?

2 A I wouldn't call it bonus. I think the last  
3 classification for it was variable pay, is the last one  
4 I remember.

5 Q So there's a salary, an annual salary  
6 component?

7 A Yes.

8 Q And a variable pay component?

9 A There's no guarantee that there is, but based  
10 on IBM's execution and financial execution, there may  
11 or may not be a companywide payout.

12 Q On that IBM component or the variable pay  
13 component, however you want to term it, what factors  
14 are considered in whether or not you would receive a  
15 payout from that?

16 A Whether or not you would receive one, the  
17 basis, if there's going to be one --

18 Q Yeah.

19 A -- there is a threshold in your performance  
20 rating for that year. It's been stipulated the last  
21 few years that a 2 appraised person or below was not  
22 eligible for any participation in the program, if it  
23 exists that year. It's a year to year, based on IBM's  
24 financial --

25 Q Right. I'm not going to ask too much about

□

76

1 like what criteria goes into whether or not IBM does it  
2 in the first place, okay. But an appraisal of 2 to  
3 make someone eligible for it, where would I find that

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4 evaluation? Where would I find a 2 showing up?

5 A In the person's PBC evaluation.

6 Q Okay. What different number grades can an  
7 employee receive?

8 A In today's world -- ask me tomorrow, it could  
9 be changed -- 1, 2-plus, 2, 3 and 4.

10 Q So it's 1 through 4 or is there a 2 plus 2?

11 A 1, 2-plus, 2, 3 and 4.

12 Q What's the difference between a 2 and a  
13 2-plus?

14 A Higher execution level than a 2.

15 Q So --

16 A More value to the business for a 2.

17 Q Would a 2-plus be eligible for the variable  
18 pay component?

19 A In last year's plan, yes.

20 Q Let's only talk about -- I guess this year's  
21 plan hasn't been --

22 A We don't know --

23 Q We don't know yet until --

24 A When we talk about '09, we don't know what  
25 that is yet.

□

77

1 Q Until fiscal year end, and everything's  
2 decided, right?

3 A (Nods head affirmatively.)

4 Q But on the last year's plan, a 2-plus would  
5 have been eligible, and a 2 was not eligible?

6 A No. Actually, I think a 2 in last year's plan

7 was eligible to. 111208lambousis-cp

8 Q So it was only the 1s that were not eligible?

9 A No. The 1s are -- 1 is the highest.

10 Q Oh, 1 is the highest?

11 A -- rating that you can achieve. 3s and 4s  
12 were definitely -- would not be eligible to  
13 participate.

14 Q Thank you. I had it backwards. So the 3s and  
15 4s were not eligible for any?

16 A That's correct.

17 Q And there is no 5, right?

18 A No.

19 Q Who is Ulysses Crespo?

20 A He's a member of my Level 2 highly technical  
21 team.

22 Q I was just looking at -- going back to your  
23 e-mail that we have as one of the exhibits, it lists an  
24 Nashville e-mail address?

25 A That's where he was prior to coming to work

□

78

1 for me, I believe.

2 Q Okay. And there's an e-mail address with  
3 S-T-O-W-E-R-S, Stowers@BellSouth.net.

4 A He's a manager for one of our vendor supplier  
5 companies.

6 Q Why is it he's on your e-mail or this e-mail?

7 A The way we manage -- the way we manage our  
8 contract relations is to not directly correspond with  
9 their employees.

10 Q 111208lambousis-cp  
10 Q But correspond with their managers?

11 A So information like that that we want them to  
12 have, we provide to their management for their  
13 management to in turn pass on to their employees.

14 Q Is it your expectation that this manager would  
15 pass on that information to the employee?

16 A Absolutely.

17 Q Then there's David W. I-H-R-I-G, Ihrig, Jr.?

18 A David Ihrig, yes.

19 Q It has a Cleveland e-mail address?

20 A He was a CE in Cleveland, Ohio, before he came  
21 down to work for us, yes.

22 Q Okay. Then there was an Arthur Bauer in  
23 Fishkill?

24 A I didn't recognize that name. I have no  
25 recollection of Arthur.

□

79

1 Q That's all right. This was a 2005 e-mail,  
2 correct?

3 A (Indicating).

4 Q Have you ever had an employee come to you or  
5 report to you that they didn't think they were getting  
6 paid for all their hours?

7 A Don't recall ever having that conversation  
8 with anyone.

9 Q Not even any other managers?

10 A No.

11 Q Have you ever done a study of -- I guess we  
12 called it or you referenced it as nonproductive time?

13           A     In the course of running this business, I  
14   certainly look at, you know, data that shows me that  
15   kind of stuff, yeah.

16           Q     Do you look at it from -- I guess it's a bad  
17   question. But do you look at it from a year-by-year  
18   basis, or is it more of a continuation of your  
19   examining those reports, or is it even a combination?

20           A     Most of what I do is real time rolled up to  
21   weekly, rolled up to period, rolled up to monthly,  
22   rolled up to year to date. That's the total picture.  
23   So I can look at things from daily on up.

24           Q     And you make adjustments, I take it given from  
25   what you described, more on a real-time or, say,

□

80

1   on-the-fly basis as needed?

2           A     Some adjustments to parts of the business,  
3   yeah, are frequent, if you will.

4           Q     When you see something that needs addressing,  
5   I take it you take steps to address it?

6           A     That's correct.

7           Q     And sometimes the picture may not emerge for,  
8   say, a month or something even after you may have some  
9   of the data available to you on a real-time basis?

10          A     I may choose to delay making a change until  
11   I'm confident with what I think the numbers are telling  
12   me.

13          Q     And it's at that point when you feel confident  
14   that the numbers are showing something that needs  
15   addressing that you make an implementation or start the

16 process for making changes? 111208lambousis-cp

17 A Yes.

18 MR. WALTON: Let me just go through  
19 this, but we may be -- we can go off the  
20 record.

21 (A discussion ensued off the record.)

22 BY MR. WALTON:

23 Q The Avaya system is the phone system?

24 A It's an Avaya brand switch, yeah.

25 Q Okay. Have there ever been any problems with

□

81

1 the Avaya system coming up slowly or going down?

2 A The Avaya -- our phone switch has gone down a  
3 few times through the years that I recall, but  
4 there's -- in the context of what you just asked me,  
5 I'm not sure I understand what you're getting at.

6 Q Booting up slowly, the tool itself being --

7 A Centerview has nothing to do with time for a  
8 rep. You simply put five digits in your keypad, and  
9 that's -- you're logged in. If it was down, you  
10 wouldn't be logged in, nor would anybody else, and we  
11 would be having problems.

12 Q Clearly, if it's down, you're having problems.

13 A I've never -- I've never known anybody to talk  
14 about a delay in trying to log onto their telephone.

15 Q I apologize if I'm not using your terminology  
16 exactly.

17 A I just want to make sure I answer your  
18 question.

19 Q 111208lambousis-cp  
I appreciate that.

20 MR. WALTON: I don't think I have any  
21 more questions for you. I appreciate your  
22 time.

23 MR. RAY: I've got just a couple to  
24 follow up.

25 / / /

82

1 EXAMINATION

2 BY MR. RAY:

3 Q Mr. Lambousis, you were asked about what the  
4 System X, I guess, call center techs have to do to  
5 prepare for their day. I think you said they had to  
6 power up, enter any password they needed to enter and  
7 also log into the phone; is that correct?

8 A Yes.

9 Q And is there -- have you ever expressed an  
10 expectation to the System X team with respect to the  
11 sequence that those activities should take?

12 A No. We don't give any direction on the  
13 sequence.

14 Q Does it matter, for example, they log into the  
15 phone first and then log into the computer?

16 A It makes no difference.

17 Q You also talked about the ten, I believe, team  
18 leads that report to you?

19 A Okay.

20 Q Is that correct, do you have ten team leads?

21 A Ten, yes.

111208lambousis-cp  
22 Q Any other direct reports?  
23 A I have three others.  
24 Q And who are they?  
25 A Bud Burke, Billy Landrum and Rod Pruner.

□

83

1 Q Do any of those three work the phones a  
2 majority of their time, taking calls, et cetera?  
3 A They do not. They're support people.  
4 Q You also talked about the log-in/log-out  
5 report. Is that the name of the report?  
6 A Yes.  
7 Q That shows the log-ins?  
8 A Yes.  
9 Q What log-in is that capturing? Is that the  
10 phone log-in?  
11 A It shows me what time you actually logged into  
12 the phone.  
13 Q How long does it take to log into the phone?  
14 A The time it takes to enter five digits on a  
15 keypad.  
16 Q And can you tell by looking at a log-in -- by  
17 looking at log-in data whether an employee is working  
18 or not, performing work if they have logged in?  
19 A No. That's not an indication if they're in  
20 available state or working. That's simply an  
21 indication that they have logged into the phone system.  
22 MR. RAY: That's all I have.  
23 FURTHER EXAMINATION  
24 BY MR. WALTON:

25 Q One quick -- I guess not one, but maybe two  
111208lambousis-cp

□ 84

1 quick follow-ups. On the sequence, the sequence of  
2 booting up and everything, if I just come to my  
3 computer, sit down, hit the power button and then, say,  
4 log into the Avaya phone system, that's going to say  
5 I'm available for calls, correct?

6 A No. It says you're logged in.

7 Q It doesn't say I'm available for calls yet?

8 A You have to -- you, the individual, has to  
9 make a conscious decision to make yourself available.

10 Q Okay. Then after I make -- say, I've turned  
11 on my computer, logged into the phone system and, I  
12 guess, pressed a button on the Avaya system saying I'm  
13 available, am I available to do my job?

14 A Yes.

15 Q Do I need a tool bar -- tool application or  
16 any other sort open?

17 A My expectation for my team at System X is that  
18 yes, you would have the tools open.

19 Q Okay. That wasn't my question. My question  
20 is I've turned on my computer. The Avaya system is the  
21 only other thing that's open.

22 A Okay.

23 Q Am I meeting your expectations of being  
24 available to do my job?

25 A If you're in avail, auto avail on the

□ 85

111208lambousis-cp

1 telephone, you would never get a push-back from me on  
2 that. If the phone rings, you answer the phone.

3 Q That means I don't need any of my tool  
4 application bar open?

5 A I didn't say that. I said -- I told you what  
6 my expectation was.

7 Q Okay. Your expectation is that the tool --  
8 how many tools being open then?

9 A There's two or three applications that they  
10 need to open.

11 Q Two to three more applications that need to be  
12 open?

13 A Right.

14 Q Is there anything else that would need to be  
15 open?

16 A Actually, there's only two that they would  
17 need to have open to start with to be able to serve a  
18 client that called live, and that would be NSS and  
19 ICPM.

20 Q And for all of that to take place, I believe  
21 your testimony was four to six minutes?

22 A Something in that area, yes.

23 Q Okay. Then the Avaya -- when you're logged in  
24 on the Avaya system, it says what time you're logged  
25 in, correct? It's not saying what time -- scheduled

□

86

1 work time or anything like that? It just tells you --

2 A It's what time you logged in. It's the time  
Page 77

111208lambousis-cp

3 that's on the telephone, the time that's on the switch,  
4 yes.

5 Q All right.

6 MR. WALTON: I don't think I have  
7 anything further. Thank you.

8 THE WITNESS: You're welcome.

9 (Deposition concluded at 11:52 a.m.)

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87

1 C E R T I F I C A T E

2

3 I hereby certify that the foregoing  
4 deposition was taken down, as stated in the  
caption; that the witness was duly sworn and  
elected to reserve signature in this matter;  
5 that the colloquies, questions and answers

Page 78

111208\ambousis-cp  
6 were reduced to typewriting under my  
direction; and that the foregoing pages 1  
7 through 86 represent a true, correct and  
complete record of the evidence given.

8 The above certification is expressly  
9 withdrawn and denied upon the disassembly or  
photocopying of the foregoing transcript,  
unless said disassembly or photocopying is  
done under the auspices of D'Amico Gershwin,  
10 Inc., Certified Court Reporters, and the  
signature and original seal is attached  
11 thereto.

12 I further certify that I am not a  
relative or employee or attorney of any  
13 party, nor am I in any way interested in the  
result of said case.

14 Pursuant to Article 8B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make  
15 the following disclosure: That I am a  
16 Georgia Certified Court Reporter, here as an  
independent contractor for D'Amico Gershwin,  
17 Inc.; that I was contacted by the reporting  
services for this deposition; that I will  
not be taking this deposition under any  
18 contract prohibited by O.C.G.A. 15-14-37 (a)  
or (b); that I have no written contract to  
provide reporting services with any party to  
the case, or any reporter or reporting  
agency from who a referral might have been  
made to cover this deposition; and that I  
will charge my usual and customary rates to  
21 all parties in the case.

22 This, the 14th day of November, 2008.

23

24

25

CHARNA S. PERLOE  
Certified Court Reporter A-457.

□

88

1 ERRATA SHEET

2 Pursuant to Rule 30(e) of the Federal Rules of  
Civil Procedure and/or OCGA 9-11(30)(e), any changes in  
3 form or substance which you desire to make to your  
deposition testimony shall be entered upon the  
4 deposition with a statement of the reasons given for  
making them.

5 To assist you in making any such corrections,  
please use the form below. If supplemental or  
6 additional pages are necessary, please furnish same and  
attach them to this errata sheet.

7 - - -

8 I, the undersigned, GEORGE LAMBOUSIS, JR., do  
Page 79

111208lambousis-cp  
9 hereby certify that I have read the foregoing deposition  
10 and that said transcript is true and accurate, with the  
exception of the following changes noted below, if any:  
10 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_  
11 \_\_\_\_\_  
12 Reason: \_\_\_\_\_  
13  
14 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_  
15 \_\_\_\_\_  
16 Reason: \_\_\_\_\_  
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18 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_  
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20 Reason: \_\_\_\_\_  
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22 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_  
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24 Reason: \_\_\_\_\_  
25

□

89

1 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_  
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3 Reason: \_\_\_\_\_  
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111208lambousis-cp

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17 Page \_\_\_\_\_ Line \_\_\_\_\_ should read: \_\_\_\_\_

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19 Reason: \_\_\_\_\_

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21

22 GEORGE LAMBOUSIS, JR.,

23 Sworn to and subscribed before me,  
\_\_\_\_\_, Notary Public.

24

25 This \_\_\_\_\_ day of \_\_\_\_\_ 2008.  
My commission expires:

□